

VHKA

Child Safety Reporting Obligations Policy and Procedures



Help for non-English speakers

If you need help to understand this policy, please contact wade.ho@vhka.org.au

Purpose

The purpose of this policy is to ensure that all staff and volunteers understand the various legal and other reporting obligations related to child safety that apply to VHKA.

Scope

This policy applies to all VHKA staff, volunteers and committee members who participate in VHKA-run events, activities and services.

Policy

All children and young people have the right to protection in their best interests.

VHKA understands the important role VHKA plays in protecting children from abuse including: •

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

The staff and volunteers of VHKA are required to comply with various child safety reporting obligations.

At VHKA we also recognise the diversity of the children and young people who receive our services and/or attend our facilities and take account of their individual needs and backgrounds when considering child safety.

Mandatory reporting

All staff and volunteers must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

Staff and volunteers who fail to comply with this legal obligation may be committing a criminal offence. It is important for all staff or volunteers at VHKA to be aware that they are legally obliged

to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

Child in need of protection

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection.

All staff and volunteers who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with VHKA leadership team and/or the Child Safety Officer.

At VHKA we also encourage all staff to make a referral to our committee when they have significant concern for a child's wellbeing.

Reportable Conduct

VHKA must notify the relevant authorities if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

Our Chairman must notify the relevant authorities of any reportable conduct allegations involving current or former staff, volunteers (including parents), and committee members. If our staff and volunteers become aware of reportable conduct by any person in the above positions, they should notify the Chairman and/or Child Safety Officer immediately. If the allegation relates to the Chairman, they should notify the Child Safety Officer, and vice versa, and if the allegation relates to both the Chairman and the Child Safety Officer, they should notify the Vice-Chairman or any one or all of the committee members.

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)

- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

“Reasonable excuse” is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

Failure to protect offence

This reporting obligation applies to VHKA's staff, volunteers, and committee members. Any staff, volunteers and committee members in a position of authority who becomes aware that an adult associated with VHKA-run activities and events and/or VHKA's facilities (such as an employee, contractor, volunteer, patron or visitor) poses a risk of sexual abuse to a child under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a staff and volunteer in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

Grooming

Grooming is a criminal offence under *Crimes Act 1958 (Vic)*. This offence targets predatory conduct undertaken by an adult to prepare a child to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

Related policies and further information

- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Child Safety Risk Management
- Complaints Policy
- Staff and Volunteers Policy
- Privacy Policy

Approval and review

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Endorsed on	14 August 2022
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